

TRANSPORTATION DEPARTMENT[761]

Adopted and Filed

Rule making related to emergency vehicle certificate

The Transportation Department hereby amends Chapter 451, “Emergency Vehicle Permits,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code sections 307.12, 321.16 and 321.451.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 321.16, 321.231 and 321.451.

Purpose and Summary

This rule making relates to Chapter 451, which allows for the designation of a privately owned vehicle as an authorized emergency vehicle pursuant to Iowa Code section 321.451. These amendments align with existing legal authority and Department practice and eliminate outdated or irrelevant requirements or options.

The following paragraphs further explain the amendments:

- The title of the chapter is revised to reference emergency vehicle certificates rather than emergency vehicle permits, which more closely aligns with the terminology used in the Iowa Code.
- Updates are made throughout the chapter to correct contact and application submission information for emergency vehicle certificates and to specify that emergency vehicle certificate denial notices are served by first-class mail as permitted by Iowa Code section 321.16.
- Subrule 451.2(3) is amended in order to address the limitations of the emergency vehicle certificate to align with Iowa Code section 321.231. This amendment also clarifies what constitutes a scene of emergency for the purposes of a towing or recovery vehicle displaying illuminated emergency lights, because the current rule language is not clear regarding what qualifies as a scene of emergency.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on January 12, 2022, as **ARC 6141C**. No public comments were received. No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the Department on April 14, 2022.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa because there is no fee associated with obtaining an emergency vehicle certificate and this rule making will not cause the Department to issue any more or any fewer certificates.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 761—Chapter 11.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on June 8, 2022.

The following rule-making actions are adopted:

ITEM 1. Amend **761—Chapter 451**, title, as follows:

EMERGENCY VEHICLE ~~PERMITS~~ CERTIFICATE

ITEM 2. Amend rule 761—451.1(321) as follows:

761—451.1(321) Information. Information about certificates of designation for authorized emergency vehicles is available ~~from the office of vehicle and motor carrier services. The address is: Office of Vehicle and Motor Carrier Services,~~ by mail from the Motor Vehicle Division, Iowa Department of Transportation, P.O. Box 9278, Des Moines, Iowa 50306-9278; in person at 6310 SE Convenience Blvd., Ankeny, Iowa; by telephone at (515)237-3110; by email at vscusto@iowadot.us; or on the department's website at www.iowadot.gov.

This rule is intended to implement Iowa Code sections 321.2 and 321.3.

ITEM 3. Amend rule 761—451.2(321) as follows:

761—451.2(321) Authorized emergency vehicle certificate.

451.2(1) Application. Application for a certificate which designates a privately owned vehicle as an authorized emergency vehicle shall be submitted to the ~~office of vehicle and motor carrier services on a vehicle division in the~~ form and manner prescribed by the department. The department shall deny an application if the ~~department~~ applicant does not establish ~~for the department~~ that the vehicle will be used as an authorized emergency vehicle, as described in Iowa Code section 321.451, or that the vehicle does not otherwise demonstrate necessity for the designation.

451.2(2) No change.

451.2(3) Limitation. ~~A certificate issued to a towing or recovery vehicle is valid only when the vehicle is at the scene of an emergency, unless otherwise authorized by a law enforcement officer.~~ In addition to the provisions of Iowa Code section 321.231(2), a towing or recovery vehicle with a valid certificate of designation may only display illuminated emergency lights in one of the following circumstances:

a. When the vehicle is at the scene of an emergency, which includes an incident dangerous to the public or roadside operations where increased visibility will mitigate risk of traffic hazards.

b. When otherwise authorized by a law enforcement officer.

This rule is intended to implement Iowa Code ~~section~~ sections 321.231 and 321.451.

ITEM 4. Amend rule 761—451.3(17A,321) as follows:

761—451.3(17A,321) Application denial or certificate revocation.

451.3(1) No change.

451.3(2) The department shall send notice by certified mail to a person whose certificate of designation is to be revoked ~~or denied~~. The department shall send notice by first-class mail when an application is denied. The notice shall be mailed to the person's mailing address as shown on departmental records, and the revocation or denial shall become effective 20 days from the date mailed. A person who is aggrieved by a decision of the department and who is entitled to a hearing may contest the decision in accordance with 761—Chapter 13. The request shall be submitted in writing to the director of the ~~office of vehicle and motor carrier services~~ vehicle division. The request shall be deemed timely submitted if it is delivered or postmarked on or before the effective date specified in the notice of revocation or denial.

This rule is intended to implement Iowa Code chapter 17A and sections 321.13, 321.16, 321.231 and 321.451.

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